

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHELLY FREELAND,

Plaintiff,

v.

Case No. 12-C-374

MICHAEL J. ASTRUE,
Commissioner, Social Security Administration,

Defendant.

**ORDER GRANTING IN PART
[28] PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE**

On December 6, 2012, the Court remanded the above captioned matter to the Commissioner pursuant to Section 4 of Section 205 of the Social Security Act, 42 U.S.C. § 405(g). (ECF No. 20.) Plaintiff Shelly Freeland asserts that to date, she has not been assigned a new hearing date and that the Commissioner's delay violates the SSA's administrative policy of giving priority to court remand cases. Freeland has filed a motion seeking an order to show cause directing the Commissioner to appear in court and explain why this matter has not been scheduled in accordance with administrative policy. Freeland's counsel has attached a list of his remanded cases which indicates that some individuals have waited between six months and two years for their hearing dates. (ECF No. 28-3.) Freeland asserts that this is not an isolated problem and that the Milwaukee Office of Disability Adjudication and Review is generally refusing to follow SSA scheduling policies. Freeland also requests that in the interim, the Court order the SSA to pay disability benefits on account of its unexcused delay in processing her claim.

Freeland's motion will be granted in part. The Court hereby orders the Commissioner to respond to the arguments raised in Freeland's motion (ECF No. 28) within twenty (20) days of the date of this order. The Court will not address Freeland's request for interim benefits until the SSA has responded to Freeland's motion.

SO ORDERED this 8th day of July, 2014.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court